

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

Ronald Lisan, M.D.,

Case No. 1:18cv969

**Plaintiff,
-vs-**

JUDGE PAMELA A. BARKER

**Robert Wilkie,
Secretary of the United
States Department of Veteran
Affairs,**

ORDER

Defendant

Currently pending is Plaintiff Ronald Lisan, M.D.’s Motion for Indicative Ruling. (Doc. No. 80.) For the following reasons, Plaintiff’s Motion is denied as premature.

On January 9, 2020, this Court issued a Memorandum Opinion & Order and Judgment Entry, granting summary judgment in favor of the Defendant and dismissing the case. (Doc. Nos. 73, 74.)

On February 5, 2020, Plaintiff filed a Notice of Appeal to the Sixth Circuit. (Doc. No. 76.) Thereafter, on March 6, 2020, Plaintiff filed a “Motion for Leave to File, *instanter*, Motion for Relief from Judgment and Motion to Vacate Judgment Entry, and Memorandum in Support thereof, in excess of page limit.” (Doc. No. 78.) Therein, Plaintiff requested leave to file a 41-page Motion for Relief from Judgment under Fed. R. Civ. P. 60(b). (*Id.*)

On March 9, 2020, the Court issued an Order granting in part and denying in part Plaintiff’s Motion for Leave. (Doc. No. 79.) Specifically, the Court granted Plaintiff’s Motion for Leave “to the extent he will be permitted to file a 25-page Memorandum in Support of his Motion for Relief from Judgment,” but denied the Motion in all other respects. (*Id.*)

As of the date of this Order, Plaintiff has not filed a Motion for Relief from Judgment in accordance with this Court's March 9, 2020 Order.

On March 17, 2020, Plaintiff filed an "Unopposed Motion for Indicative Ruling," in which he asks the Court "to issue an indicative ruling if it intends to grant Plaintiff's Rule 60(b) motion, so Plaintiff can file a motion to remand in the appellate court in order to vest the district court with jurisdiction to grant the requested relief." (Doc. No. 80.)

Plaintiff's Motion is premature. As of the date of this Order, there is no Motion for Relief from Judgment pending before this Court. Before the Court can issue any "indicative ruling," Plaintiff must file a Motion for Relief from Judgment pursuant to Fed. R. Civ. P. 60(b) that is 25 pages or less; and Defendant must have the opportunity to respond. Once the motion is filed and ripe for ruling, the Court will issue an indicative ruling.

IT IS SO ORDERED

Date: March 18, 2020

s/Pamela A. Barker
PAMELA A. BARKER
U. S. DISTRICT JUDGE